

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

ANTONIO MARTINEZ, as Administrator  
for the Estate of Naomi Gonzales, Deceased,  
  
Plaintiff,  
  
v.  
  
AGWAY ENERGY SERVICES, LLC,  
  
Defendant.

Case No. 5:18-cv-00235 MAD-ATB

**NOTICE OF MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE,  
STRIKING PLAINTIFF'S PROPOSED EXPERT FRANK A. FELDER, Ph.D.  
PURSUANT TO F.R.E. 702**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declaration of John D. Coyle, Statement of Material Facts pursuant to L.R 56.1, Defendant Agway Energy Services, LLC will move before this Court on a date and time to be determined by the Court, for an Order granting summary judgment in favor of Agway Energy Services, LLC and dismissing Plaintiff's Complaint with prejudice; or alternatively, striking Plaintiff's proposed expert Frank A. Felder, Ph.D. pursuant to F.R.E. 702.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2021, I electronically filed the foregoing motion and its supporting papers with the Clerk of the District Court using the CM/ECF system, which sent notification of such filings to all counsel of record.

Date: August 6, 2021

*s/ John D. Coyle*  
John D. Coyle